

*Application No. 10/822,881*

**REMARKS/ARGUMENTS**

That above-identified patent application has been reviewed in light of the Examiner's Action dated May 17, 2005. Claims 1, 4 and 5 have been amended, and Claim 2 has been cancelled, without intending to abandon or to dedicate to the public any patentable subject matter. Claims 19-28 have been withdrawn. Accordingly, Claims 1 and 3-18 are now pending. As set out more fully below, reconsideration and withdrawal of the objections to and rejections of the claims are respectfully requested.

Claims 1 and 3 stand rejected under 35 U.F.C. §102 as being anticipated by U.S. Patent Application Publication No. 2002/0027386 A1 to Yanaka, et al. ("Yanaka") In the amendments set forth above, Claim 1 has been amended to generally incorporate the elements previously recited by Claim 2. As Claim 2 was found by the Office Action to state allowable subject matter, it is submitted that Claim 1 and Claim 3, which depends from Claim 1, are now in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections of Claims 1 and 3 are respectfully requested.

Applicants note with appreciation the Examiner's indication that Claims 2 and 4-18 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. As set forth above, Claim 1 has been amended to incorporate the elements generally recited by Claim 2. In particular, the phrase "wherein the controller determines that the other brake system section is abnormal when the detected drive command does not match the assumed drive command" has been added to Claim 1. Applicants further note that the qualification that the controller of each brake system section determines the other brake system section is abnormal recited by original Claim 2 is not required in order to distinguish over the Yanaka reference. Accordingly, it is submitted that Claim 1 and dependent Claims 3 and 5-18 are now in condition for allowance.

Claim 4 has been rewritten in independent form. In particular, Claim 4 incorporates the elements of original Claim 1. In addition, amended Claim 4 recites "a correction unit for correcting an inappropriate drive command, the controller sending a correction signal to the correction unit of the other brake system section when the detected drive command does not match the assumed drive

*Application No. 10/822,881*

command." That is, Claim 4 generally incorporates the elements of Claim 3, except that a correction unit is recited generally by Claim 4, rather than stating that each brake system section includes a correction unit, which limitation is believed unnecessary in order to distinguish Claim 4 from the Yanaka reference. Accordingly, it is submitted that Claim 4 is now in condition for allowance.

The application appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Bradley M. Knepper  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: June 29, 2005

J:\2933\A-14\Amcodmt and Response.wpd